SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY

### **ASBESTOS LITIGATION**

**Docket No:** L-2244-19 (AS)

BRENDA SICKLES

(Estate of Ellsworth Sickles),

Plaintiff(s),

VS.

AVCO CORPORATION, et al

Defendant(s).

**Civil Action** 

**CASE MANAGEMENT ORDER I** 

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on *August 7, 2019*:

FIRM	ATTORNEY	CLIENT
Simmons Hanly	Brett Fuller	Plaintiff(s)
Goldberg Segalla	David Rutkowski	AVCO Corp.
Lewis Brisbois	Kathleen Trabold	Dexter Hysol Aerospace / Henkel Corp.
Marin Goodman	Terence W. Camp	The Goodyear Tire & Rubber Co.
McElroy Deutsch	Denise Harris	Eaton Corp.
McGivney Kluger	Jennifer Hally	HM Royal
Pascarella DiVita	John S. McGowan	Crane Co.

IT IS on this 8th day of August 2019, effective from the conference date;

#### **ORDERED** as follows:

Counsel receiving this Order through computerized electronic medium (E-Mail) shall be deemed by the court to have received a copy of the filed original court document. Any document served pursuant to this Order shall be deemed to be served by mail pursuant to *R*.1:5-2.

Defense counsel shall notify plaintiff's counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

# **DISCOVERY**

August 23, 2019	Defendants shall serve answers to standard interrogatories by this date.
September 6, 2019	Plaintiff shall propound supplemental interrogatories and document requests by this date.
October 11, 2019	Defendants shall serve answers to supplemental interrogatories and document requests by this date.

September 6, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.

October 11, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date. December 31, 2019 Fact discovery, including depositions, shall be completed by this date. Plaintiff's counsel shall

contact the Special Master within one week of this deadline if all fact discovery is not completed.

December 31, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

January 3, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

## MEDICAL EXPERT REPORT

December 31, 2019 Plaintiff shall serve medical expert reports by this date.

December 31, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens

and x-rays, if any, by this date.

Defendants shall identify its medical experts and serve medical reports, if any, by this date. In April 3, 2020

addition, defendants shall notify plaintiff's counsel (as well as all counsel of record) of a

joinder in an expert medical defense by this date.

## LIABILITY EXPERT REPORTS

December 31, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or

waive any opportunity to rely on liability expert testimony.

April 3, 2020 Defendants shall identify its liability experts and serve liability expert reports, if any, by this

date or waive any opportunity to rely on liability expert testimony.

### SUMMARY JUDGMENT MOTION PRACTICE

Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date. January 3, 2020

Summary judgment motions shall be filed no later than this date. January 17, 2020

February 14, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

December 31, 2019 Plaintiff shall identify its expert economists and serve expert economist report(s), if any, by

this date or waive any opportunity to rely on economic expert testimony.

Defendants shall identify its expert economists and serve expert economist report(s), if any, April 3, 2020

by this date or waive any opportunity to rely on economic expert testimony.

#### **EXPERT DEPOSITIONS**

April 30, 2020 Expert depositions shall be completed by this date. To the extent that plaintiff and defendant

generic experts have been deposed before, the parties seeking that deposition in this case must

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#### PRE-TRIAL AND TRIAL

To be scheduled Settlement conference.

May 26, 2020 (Tuesday) Trial Date. / Trial-Ready Date.

Plaintiff(s) counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Ana C. Víscomí
ANA C. VISCOMI, J.S.C.

cc: Clerk, Mass Tort

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